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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,845	11/21/2001	Eric R. Alling	51134-2 CIP	4421
21874	7590	10/26/2004	EXAMINER	
EDWARDS & ANGELL, LLP P.O. BOX 55874 BOSTON, MA 02205			GART, MATTHEW S	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/990,845

**Applicant(s)**ALLING, ERIC R. **Examiner**

Matthew s Gart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Claims 1-19 are pending in the instant application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Manchala U.S. Patent Number 6,405,178.**

Referring to claims 1 and 2. Manchala discloses a method for providing vendor-managed inventory services via a vendor managed inventory tool over a network environment, comprising;

- Receiving a signal from a sensor device indicating that a minimum level specified for a product used in a manufacturing location has been reached, said level measured by a quantity of said product (Manchala: column 4, lines 16-22);
- In response to the receiving, querying a local inventory database at a buyer system for a supply availability status of said product (Manchala: column 4, line 47 to column 5, line 2); and

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- Based upon the querying and a determination that the said supply availability status indicates inadequate quantities of said product exist at said buyer system:
  - Generating a demand note for resupply of said product (Manchala: column 4, line 47 to column 5, line 2);
  - Transmitting said demand note to a vendor system (Manchala: column 4, line 47 to column 5, line 2);
  - Performing at least one of:
    - Checking local storage at said vendor system for said supply availability status (Manchala: column 4, line 47 to column 5, line 2); and
    - Checking local storage at a warehouse for said supply availability status (Manchala: column 4, line 47 to column 5, line 2); and
  - If said supply availability status indicates adequate quantities of said product exist at said vendor system:
    - Notifying said buyer system of said status (Manchala: column 4, lines 27-47);
    - Delivering said product to said buyer system (Manchala: column 4, lines 27-47);
    - Executing correlated billing activities (Manchala: column 4, lines 27-47);
    - Updating said local inventory database at said buyer system to reflect said resupply (Manchala: column 4, lines 27-47); and

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- Updating a vendor database at said vendor system (Manchala: column 4, lines 27-47);
- If said supply availability status indicates inadequate quantities of said product exist at said vendor system:
  - Transmitting said demand note to a factory for manufacture of said product (Manchala: column 4, line 47 to column 5, line 11);
  - Delivering said product to said buyer system from said manufacturer (Manchala: column 4, line 47 to column 5, line 11);
  - Executing con-elated billing activities (Manchala: column 4, line 47 to column 5, line 11);
  - Updating said local inventory database at said buyer system to reflect said resupply (Manchala: column 4, line 47 to column 5, line 11); and
  - Updating said vendor database at said vendor system (Manchala: column 4, line 47 to column 5, line 11).

With reference to claim 2, the Examiner notes, the limitations, "If said supplier availability status indicates adequate quantities..." and "If said supply availability status indicates inadequate quantities..." are conditional limitations and does not move to distinguish the claimed invention from the reference (Manchala). The noted "if" steps are not necessarily performed, the claim provides for one or the other conditional events to occur. Accordingly, and as in the method itself, once a positively recited step is

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satisfied, the method as a whole is satisfied -- regardless of whether or not other steps are conditionally invocable under certain other hypothetical scenarios.

Referring to claim 3. Manchala further discloses a method wherein said minimum level specified for said product is determined by said buyer system and implemented via said vendor-managed inventory tool (Manchala: column 6, lines 8-26).

Referring to claim 4. Manchala further discloses a method comprising specifying a maximum level acceptable for said product via said vendor-managed inventory tool (Manchala: column 6, lines 8-26).

Referring to claim 5. Manchala further discloses a method wherein said demand note includes an order for a product amount commensurate with said maximum level acceptable for said product (Manchala: column 6, lines 8-26).

Referring to claims 6-10. Claims 6-10 are rejected under the same rationale as indicated in claims 1-5.

Referring to claim 11. Manchala discloses a system for providing vendor-managed inventory services via a vendor-managed inventory tool over a network environment, comprising:

- A vendor system including:
- A server (Manchala: column 1, lines 35-61);
- A workstation in communication with said server (Manchala: column 1, lines 35-61);
- A data storage device in communication with said server (Manchala: column 1, lines 35-61); and

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- A storage location in communication with said server (Manchala: column 1, lines 35-61);
- Wherein said communication is facilitated by an electronic communications link (Manchala: column 1, lines 35-61); and
- A network link to:
  - A buyer system (Manchala: column 1, lines 35-61);
  - A manufacturing system (Manchala: column 1, lines 35-61); and
  - A storage warehouse (Manchala: column 1, lines 35-61).

Referring to claim 12. Manchala further discloses a system wherein said manufacturing system provides production materials for use by said buyer system (Manchala: abstract).

Referring to claim 13. Manchala further discloses a system wherein said vendor system manages inventory levels for production materials consumed by said buyer system via said vendor-managed inventory tool (Manchala: abstract).

Referring to claim 14. Manchala further discloses a system wherein said inventory levels of said production materials are monitored by a sensor device located at said buyer system (Manchala: claim 1).

Referring to claim 15. Manchala further discloses a system wherein said sensor device transmits a signal to said vendor system via said vendor-managed inventory tool relating to a specified inventory level (Manchala: claim 1).

Referring to claim 16. Manchala further discloses a system wherein said vendor-managed inventory tool facilitates billing activities between said vendor system, said buyer system, said manufacturing system and said warehouse, said activities including:

- Purchase order generation and transmission (Manchala: claim 1);
- Demand note generation and transmission (Manchala: claim 1); and
- Invoice generation and transmission (Manchala: claim 1).

Referring to claim 17. Manchala further discloses a system wherein information relating to said billing activities is stored in said data storage device (Manchala: claim 1).

Referring to claim 18. Manchala further discloses a system wherein said vendor-managed inventory tool causes said vendor system to provide delivery of said goods pursuant to said demand note (Manchala: claim 1).

Referring to claim 19. Manchala further discloses a system wherein said vendor-managed inventory tool causes said vendor system to provide delivery of goods pursuant to said purchase order (Manchala: claim 1).



***Response to Arguments***

Applicant's arguments filed August 5, 2004 have been fully considered but they are not persuasive.

The Attorney argues that Manchala does not teach or suggest each and every element of Applicant's claim 1. In particular, Manchala does not teach or suggest receiving a signal from a sensor device indicating that a minimum level specified for a product used in a manufacturing location has been reached but rather teaches a printer sending an event to a notification service that an item needs replacement:

In reference to the Attorney's first argument concerning the "signal from a sensor device," the Examiner notes, Manchala does disclose a process wherein when a printer reaches a predefined threshold of consumable items specified by the system administrator or needs to order a replaceable part like a damaged hard disk, the printer automatically sends an event to the notification service that the particular item needs immediate replacement (Manchala: column 4, lines 16-23). The printer senses that the consumable (e.g. paper or toner) needs replacement, which prompts the event (signal).

In reference to the Attorney's second argument concerning the "manufacturing location," the Examiner notes, language indicating the type of location (i.e., manufacturing, retail) are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The indicating of a minimum level would be performed the same regardless of the type of location. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of

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patentability, see *In re Gulack*, 703 F. 2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983).

The Attorney argues, there is no teaching that a database is queried for a supply availability status in response to the signal.

The Examiner notes, Manchala does disclose a system that automatically places a purchase order when a notification about the near exhaustion of a consumable is received from the network application that services a fleet of printers. Before placing an order, the purchasing system consults the inventory management system regarding the availability of the consumable in stock (Manchala: column 3, lines 31-36).

The Attorney argues, Manchala further does not teach or suggest, “based upon the querying and upon a determination that the supply availability status indicates adequate quantities of said product exist at said buyer system...”

The Examiner notes, Manchala does disclose a system that automatically places a purchase order when a notification about the near exhaustion of a consumable is received from the network application that services a fleet of printers. Before placing an order, the purchasing system consults the inventory management system regarding the availability of the consumable in stock (Manchala: column 3, lines 31-36). The system of Manchala is equipped with a set of rules for automatically reordering new supplies. In an alternative case, the rules would request a concession, in terms of price or some other parameter such as quantity, from one or more vendors before ordering (Manchala:

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abstract). These rules as defined by Manchala, govern when an inventory is queried regarding consumable availability, and when a purchase is made base on that query.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

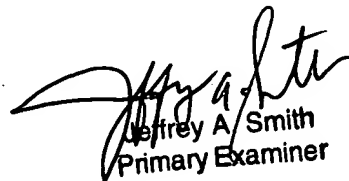
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew s Gart whose telephone number is 703-305-5355. The examiner can normally be reached on 8:30AM to 5:00PM m-f.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703-308-1344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MSG  
October 20, 2004  
Patent Examiner



Jeffrey A. Smith  
Primary Examiner